

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

**NATIONAL RIFLE ASSOCIATION OF
AMERICA,**

Plaintiff,

V.

ANDREW CUOMO, both individually and in his official capacity; MARIA T. VULLO, both individually and in her official capacity; and THE NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES,

Defendants.

[illegible]

**CIVIL CASE NO. 18-CV-00566-TJM-
CFH**

**DECLARATION OF STEPHANIE L. GASE IN SUPPORT OF
MEMORANDUM OF LAW IN OPPOSITION TO MOTION TO DISMISS**

I, Stephanie L. Gase, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner with the law firm of Brewer, Attorneys & Counselors, counsel to the National Rifle Association of America (the “NRA”) in the above-captioned action (the “Action”). I submit this Declaration in support of the NRA’s Memorandum of Law in Opposition to Motion to Dismiss. The facts stated herein are true and correct and, unless otherwise stated, are within my personal knowledge.

2. As counsel for the NRA, I have reviewed pleadings, and other documents related to the Action, and I am familiar with the facts and circumstances of this case.

3. Attached hereto as Exhibit A is a copy of a Facebook post from Governor Andrew Cuomo's account, dated August 4, 2018, at 9:50 A.M., which can be found at <https://www.facebook.com/andrewcuomo/posts/10155989594858401>.

4. Attached hereto as Exhibit B is a copy of a Facebook post from Governor Cuomo's account, dated August 3, 2018, at 12:16 P.M., which can be found at <https://www.facebook.com/andrewcuomo/posts/10155987290088401>.

5. Attached hereto as Exhibit C is a copy of a screenshot of a Youtube video, which can be found at <https://www.youtube.com/watch?v=59NDp7ATfhg>.

6. Attached hereto as Exhibit D is a copy of the transcript from an appearance by Governor Cuomo on CNN's New Day with Allisyn Camerota and John Berman, which can be found at <https://www.governor.ny.gov/news/transcript-governor-cuomo-addresses-nra-lawsuit-and-condemns-organizations-illegal-business-0>.

7. Attached hereto as Exhibit E is a copy of a press release from Governor Cuomo's office, which can be found at <https://www.governor.ny.gov/news/governor-cuomo-exposes-nras-hypocrisy>.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of August 2018.

/s/ Stephanie L. Gase
STEPHANIE L. GASE

EXHIBIT A

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**Andrew Cuomo** ✓
August 4 at 9:50 AM · 🌐

New York is forcing the NRA into financial crisis. It's time to put the gun lobby out of business. #BankruptTheNRA



NRA, under assault from Cuomo administration, claims it's facing financial ruin - NY Daily News
The NRA may soon be shooting blanks. The powerful gun rights group claims its facing financial ruin due to a full-frontal assault from Gov. Cuomo.
NYDAILYNEWS.COM

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EXHIBIT B



EXHIBIT C

Secure | <https://www.youtube.com/watch?v=59NDp7ATfhg>

YouTube Search

Vox EXPLAINERS POLITICS & POLICY MORE

The National Rifle Association, America's most powerful lobby, claims it's in financial crisis. What?

The supposed culprit: New York Gov. Andrew Cuomo.
By Dylan Matthews | @dylmatt | dylmatt@vox.com | Aug 3, 2018, 4:50pm EDT

2018 NRA

0:00 / 0:24 MOSTREAD CC

Stand with us in the fight to end the NRA's stranglehold on American politics. VOTE SEPT. 13

Unlisted

2,676 views 7 3 SHARE

Andrew Cuomo
Uploaded on Aug 5, 2018

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New York has the NRA on the brink. Together, we can end the gun lobby's stranglehold on American politics. And I'll be sure to remember them in my thoughts and prayers

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Matt Dillahunt
43K views
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JihadWatchVidec
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6:59

BROOKLYN WOMEN...
Andrew Cuomo
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32:40

End Family Fire | Gun Safety |...
Ad Council
46K views
2:19

Gov. Cuomo kicks off the...
Andrew Cuomo
87 views
7:59

Escape At Dannemora...
SHOWTIME
138K views
2:12

God's Judgment on...
Pastor Steven An
1.1K views
24:49

EXHIBIT D



AUGUST 6, 2018 Albany, NY

Transcript: Governor Cuomo Addresses NRA Lawsuit and Condemns the Organization's Illegal Business Practices While Guest on CNN

Governor Cuomo: "The NRA has always been against any progress whatsoever. They're oblivious to the facts. They've caused carnage in this nation. They've done gun owners a disservice because there is a common sense compromise if the NRA wasn't always threatening politicians who went anywhere near reasonableness."

This morning, Governor Andrew M. Cuomo addressed the NRA's lawsuit against New York State and condemned the organization's Carry Guard insurance during an appearance on CNN's New Day with Alisyn Camerota and John Berman. The Governor today sent a letter calling on other governors to follow New York's lead and block the sale of the NRA's "Carry Guard" program, which provides liability insurance to gun owners for certain acts of intentional wrongdoing. The Governor issued the letter as part of a national effort to block the program after a State investigation found that the program was illegal under New York State law, leading to penalties against insurance companies involved. On Friday, New York State filed a motion to dismiss an NRA lawsuit against New York that suggested the State's actions were a threat to "the NRA's corporate existence and its advocacy mission."

A transcript of the Governor's remarks is available below.

John Berman: Turning now to an escalating legal battle between the NRA and the state of New York. the NRA has accused the state of a political black listing campaign which it says cost the organization tens of millions of dollars in damages. Joining us now, New York Governor, Andrew Cuomo. Governor, thanks so much for being with us. This has to do with a dispute over Carry Guard, a type of insurance the NRA wanted to help issue that would indemnify or at least provide resources for people to defend themselves if charged with discharging their firearm in self-defense. New York state says they can't do that, the NRA says it can, correct?

Governor Cuomo: Yes, yes, John. Good morning, John, good morning, Alisyn. Yes, the states regulate insurance, as you know and the NRA was, in essence, selling an insurance product in the state of New York called Carry Guard. It was designed for people who carry weapons and the insurance policy essentially insured them for intentional bad acts, intentional wrongdoing, which violates the law in the state of New York and many other states. We took action against the actual insurance company and they paid a fine and they agreed to stop selling the product in a consent decree. And the NRA was involved basically as their broker getting a commission and advertising and that violates the law. Their complaint is, well, we lost money. Too bad. You violated the law and it's not a defense to say well, I was committing illegal activity but I was making money from it and now I'm upset that I lost the revenue.

John Berman: You know, correctly, that states are the ones who regulate insurance law in this country. But there are states where this Carry Guard insurance is legal, correct?

Governor Cuomo: A state can regulate its own laws. We're going to be working with the other states and our superintendent of insurance, I'm going to have in contact with the other states. It would be highly unusual for a state to allow an insurance company to reimburse for an illegal activity, they call it "murder insurance." There is no public policy in saying, if you commit a crime or do an intentional wrong act we will in essence pay you for doing that.

John Berman: What they would say though this includes self-defense, obviously where depending how you prove that would not be illegal. But that's where a distinction, the dispute lies. Let me read a statement from the NRA and get your response to it. "Our client is suffering setbacks with respect to the availability of banking services as a result of political and discriminatory campaign meant to coerce the financial institutions from refrain from doing

business with the NRA. The actions are a blatant attack on first amendment rights of our organization." Your response?

Governor Cuomo: Yeah, two different points. On the insurance that they are selling, I don't think there's any question that is illegal and violative of public policy. They are making a different point, which is, I have been a longtime opponent of the NRA, I plead guilty. I believe the NRA represents an extremist group. I believe they've been counterproductive for gun owners in this country. I believe their politics seeks them to stop any common sense gun reform because then, John, they would be out of business. Most gun owners support some type of reasonable gun control. 90 percent of Americans support background checks. The NRA has always been against any progress whatsoever. They're oblivious to the facts. They've caused carnage in this nation. They've done gun owners a disservice because there is a common sense compromise if the NRA wasn't always threatening politicians who went anywhere near reasonableness. If you remember President Trump after the Parkland shooting, spoke in the White House conference room and asked reasonable questions. He seemed reasonable. "Why can't we raise the purchase age? Why can't we raise the age for assault weapons?" He met with the NRA and did a total 180 the next day and was absolutely against any reform, and this nation still has done nothing on guns.

John Berman: Let me just note one of the implications in the NRA is that your efforts the last weeks on this issue are political. You're engaged in a primary campaign for re-election here. You have an ad that you put up on YouTube over the weekend on this. So is there politics from your side here?

Governor Cuomo: Well, this insurance action happened months and months ago, right? Before any of it. But as far as their basic point that I have been opposed to the NRA politically, ideologically, morally, they are right. I plead guilty. It started when the worked in the Clinton Administration, I was Secretary of Housing and Urban Development. We had something called the Safe Gun Agreement that we signed with some of the largest gun manufacturers in the United States that would have changed the way guns were distributed, would have ended the gun show loophole. Gun manufacturers John, were agreeing and signing. The NRA found out and they rallied all of the extremists and they stopped the gun manufacturers from signing an agreement. I mean, that's how far they have gone. I passed five years ago, the best gun

control law in the nation and they were a fierce political opponent and caused me all sorts of political damage. We passed the law anyway. It's been the law for five years. We banned assault weapons, we have mental health data base, we have everything we're talking about doing now, and by the way John, legal gun owners in New York still have their guns and hunters still hunt, and it shows it is possible. And the NRA hates that message because they are against any reasonable conclusion.

John Berman: Governor Cuomo, we're out of time. We'll get more statements from the NRA and their response to this effort you are asserting right now. Thanks for being with us this morning, appreciate it Governor.

Governor Cuomo: Thank you, John. Thank you, Alisyn.

Contact the Governor's Press Office



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**Contact us
by email:**

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EXHIBIT E



AUGUST 9, 2018 Albany, NY

Governor Cuomo Exposes NRA's Hypocrisy

NRA's Own Actions Reveal That Its Lawsuit is Frivolous

New York to Highlight Incongruity in Its Defense of NRA Lawsuit
NRA's Claims That it is Going Broke Are Directly Inconsistent with
Reports That NRA Will Spend \$1 Million to Confirm Judge
Kavanaugh

Governor Andrew M. Cuomo today announced New York will highlight the National Rifle Association's pledge to spend \$1 million to confirm Brett Kavanaugh to the Supreme Court in papers related to the state's motion to dismiss the NRA's lawsuit. The issue of doublespeak supports the Governor's defense of the lawsuit against New York that suggests the state's actions are a threat to "the NRA's corporate existence and its advocacy mission." This latest action follows reports that the NRA will purchase television ads urging the confirmation of President Trump's extreme conservative nominee, Brett Kavanaugh, to the U.S. Supreme Court.

"Once again the NRA's lies and deception have been uncovered," **Governor Cuomo said.** "It is the height of hypocrisy to cry poverty on one hand after being caught red handed profiting off an illegal insurance scheme, all the while spending \$1 million to push its radical anti-gun safety agenda in Washington. New York will continue to fight against the NRA and their meritless law suit every step of the way."

The NRA's support of Kavanaugh and commitment to spend \$1 million promoting his nomination proves that the organization is not on the verge of bankruptcy or experiencing

financial hardship that could threaten its operations, is not being honest about their financial situation, and has filed a frivolous lawsuit against the state of New York.

The Motion to Dismiss the NRA's lawsuit, announced by the Governor last week, calls for the complaint to be dismissed in its entirety and argues that the actions by the Governor and Department of Financial Services to protect New Yorkers do not implicate the NRA's First Amendment Rights or deprive the NRA of any other constitutional protections.

In addition, citing Judge Kavanaugh's interpretation of an unlimited Second Amendment, Governor Cuomo and members of the Congressional Black Caucus and the New York Congressional Delegation in July called on the U.S. Senate to block the confirmation of President Trump's Supreme Court nominee.

In April, the Governor directed the Department of Financial Services to urge insurance companies, state-chartered banks, and other financial services companies licensed in New York to review any relationships they may have with the NRA and other similar organizations. Following this review, companies were encouraged to consider whether such ties harm their corporate reputations and jeopardize public safety.

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